

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (CGM)  SIPA Liquidation  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff,  Plaintiff,  v.  SIX SIS AG,  Defendant.	Adv. Pro. No. 12-01195 (CGM)

**SECOND AMENDED STIPULATION AND ORDER**

**WHEREAS**, on March 22, 2012, Irving H. Picard (the “Trustee”), as Trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa-*lll*, and the substantively consolidated Chapter 7 estate of Bernard L. Madoff filed a complaint (the “Complaint”) against Defendant SIX SIS AG (“SIX SIS”, and together with the Trustee, the “Parties”) seeking to recover avoidable transfers from BLMIS under section 550 of the Bankruptcy Code;

**WHEREAS**, on April 12, 2022, the Parties entered into a Stipulation and Order on briefing (“Briefing Stipulation”), which was so-ordered on April 13, 2022 (ECF No. 114);

**WHEREAS**, in accordance with the Briefing Stipulation, the Complaint was amended on May 6, 2022 (“Amended Complaint”) (ECF No. 115) with SIX SIS’s consent;

**WHEREAS**, on June 29, 2022, the Parties entered into an amended Stipulation and Order on briefing extending the time for SIX SIS to file a motion to dismiss, which was so-ordered on June 30, 2022 (ECF No. 117);

**WHEREAS**, on July 8, 2022, SIX SIS filed a motion to dismiss the Amended Complaint (ECF Nos. 118-124);

**WHEREAS**, on August 25, 2022, the Court so-ordered a Stipulation adjourning motion to dismiss briefing (ECF No. 125), pursuant to which SIX SIS agreed to advise the Trustee whether SIX SIS consented to the filing of a Second Amended Complaint against SIX SIS; and

**WHEREAS**, after receiving SIX SIS’s consent, the Trustee filed the Second Amended Complaint on October 17, 2022 (ECF No. 126).

**IT IS HEREBY STIPULATED AND AGREED** by and between the Parties by the endorsement of their counsel below, that:

1. SIX SIS will answer, move or otherwise respond to the Second Amended Complaint on or before **December 13, 2022**. If SIX SIS files a motion to dismiss the Second Amended Complaint, such motion shall set forth any and all grounds for dismissal at the pleading stage.
2. The Trustee will file any opposition to SIX SIS’s motion on or before **February 7, 2023**.
3. SIX SIS will file any reply brief in support of their motion on or before **March 7, 2023**.
4. In either case, the Parties reserve the right to seek oral argument on the motion.

5. The deadlines established by this Second Amended Stipulation are without prejudice to either Party seeking future extensions of time.
6. Except as expressly set forth herein, the Parties reserve all rights and defenses they may have, and entry into this Second Amended Stipulation shall not impair or otherwise affect such rights and defenses, including without limitation any defenses based on lack of jurisdiction.

*[Signatures on following page]*

Dated: October 21, 2022  
New York, New York

/s/ David J. Sheehan  
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*Special Counsel for Irving H. Picard, Trustee  
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Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Chapter 7 Estate of  
Bernard L. Madoff*

**SO ORDERED.**

/s/ Erin Valentine  
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*Attorneys for SIX SIS AG*

**Dated: October 24, 2022  
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**